

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 97 of the	)	
Amateur Radio Service Rules to	)	RM - 10786
Morse Code Proficiency Testing	)	
For All Classes of Amateur Licenses	)	
	)	
To: The Commission	)	

Comments Of Ian James Grossman, WC4SKY

Times and technology have changed dramatically over the years, and all of the previously claimed reasons for requiring Morse proficiency of all amateur radio operators have disappeared.

- Virtually no government or commercial radio service uses Morse telegraphy in today's world.
  - Thus, the historical need of the government, commercial, and maritime services for a "pool of (Morse) trained operators" has ceased to exist.
  - Morse Skill is no longer required for effective emergency communications by amateur operators
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- The maintenance of morse proficiency tests as a requirement for any amateur radio license is no longer in accord with the purpose of the amateur radio Service and serves no legitimate regulatory purpose.
  - The maintenance of the Morse requirement appears to be contrary to one of the commission's statutory mandates.
  - Even the IARU recognizes that continuing Morse proficiency requirements is not in the best interest of the future of the amateur radio service.
  - The ONLY reason that the Commission cited in its most recent comprehensive review of its Part 97 amateur rules (WT Docket No. 98-143) for keeping any Morse testing at the its decision in that Proceeding no longer exists.
    - The Commission concluded in WT Docket No. 98-143 that the public interest will best be served by reducing the (Morse) telegraphy examination requirement to the minimum requirement that that meets the [ITU] Radio Regulations.
    - The "minimum requirement that meets the ITU Radio Regulations" for any class of amateur license is now no Morse test at all.

- Since the Commission is no longer bound by an unwaivable requirement in the ITU Radio Regulations it can, and should, act promptly to remove an unnecessary, restrictive requirement.
- Other administrations (Switzerland, the United Kingdom, Belgium, Germany, The Netherlands, and Norway) have already eliminated Morse test requirements and many more are expected to follow suit rapidly.
- It is not in the public interest for the Commission to impose more onerous and unnecessary burdens on those seeking a Commission-issued amateur radio license than would be faced by equally qualified individuals in other countries, as this will unnecessarily limit the pool of operators available for emergency communications.
- The Commission's own determinations, as well as a significant body of public comment, from the Proceedings in both 1990 and 1999, as referenced in the NCI Petition, clearly demonstrate that a Morse proficiency test requirement is unnecessary and undesirable, in that:
  - It does not comport with the basis and purpose of the Amateur Radio Service.
  - It acts as a barrier to entry or advancement to otherwise qualified persons.
  - It is not necessarily indicative of an individual's ability to contribute to the advancement of the radio art.
  - It does not provide any indication of the examinee's good character, high intelligence, cooperative demeanor, or willingness to comply with the Commission's rules.
  - It no longer continues to serve a regulatory purpose.
  - It otherwise does not serve the public interest and necessity.

- The Commission has the authority to amend its Part 97 rules to eliminate Morse proficiency requirements by expedited order, without formal notice and public input.
  - The Commission considered the issue of continued Morse proficiency requirements in WT Docket Number 98-143 where there was extensive input from the public and concerned parties, and to this date the only change from that consideration is that the only stated reason for retaining any Morse proficiency test has been removed.
  - By granting NCI's Petition, a burden on applicants for amateur radio licenses would be removed, no additional requirement would be imposed, and therefore no party or other person would be prejudiced by such Commission action.
- This course would be a wise, correct, and prudent decision on the Commission's part, because:
  - as pointed out, it is clearly within the Commission's authority;
  - it would save considerable drain on the Commission's limited and valuable resources in dealing with a matter that the Commission has already considered extensively;
  - and, it would remove an unnecessary, restrictive burden, that the Commission has already determined does not comport with the purpose of the Amateur Radio Service and serves no regulatory purpose.
- The Commission should refrain from combining NCI's request for the prompt elimination of Morse test requirements from its rules with other substantially unrelated issues such as, but not limited to, band segmentation, changes in the number of license classes, sweeping changes in operator privileges by license class, etc., because that would result in unnecessary, protracted delay in resolving this important and clear-cut issue.
- In summary, for all of the reasons outlined and referenced herein, the Commission should enact the following changes to its rules in the most expeditious manner possible:
  - Eliminate the "Element 1" Morse test totally from the Commission's rules for all license classes.
  - Since the only testing distinction between the Technician class and the (grandfathered) Technician Plus class is the "Element 1" Morse Test, modify, as a consequential and logical change, the privileges afforded to Technician class licensees to be equivalent to those currently afforded to Technician Plus licensees and "Technician with Morse credit" licensees.

Respectfully submitted,

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